

REMARKS

Reconsideration of the Office Action of June 23, 2010, is respectfully requested. Upon entry of the present Amendment, Claims 1, 3-5, 7-9, and 11 are before the Examiner. In the present Amendment, Claims 1, 5, 9 and 11 are amended and claims 6 and 12 cancelled. Support for the amendments to claims 1 and 9 are found in Figure 2. The amendments to claims 5 and 11 are based on original claims 6 and 12, paragraph [0030] and Figure 6. No new matter is believed to have been introduced by these amendments.

The Examiner is thanked for the courtesies extended during the telephonic interview held on September 23, 2010. The substance of the interview as set forth on the PTOL-413 form is accurate and complete. Claims 1 and 9, as amended, include the limitations discussed at the interview, which received favorable comment. The amendments to Claims 5 and 11 address the Examiner's comments provided at the interview.

It is noted that the drawings filed on May 27, 2007 are approved.

It is noted with appreciation that the claim for priority under 35 U.S.C. 119 is acknowledged and that the certified copies of the priority documents were received.

Applicants acknowledge receipt of the initialed copies of the PTO/SB/08 forms.

Rejection under 35 U.S.C. § 102

In the Office Action, claims 5, 7, 8 and 11 were rejected under 35 USC 102(b) as anticipated by Fujikawa et al. (US 5,595,606). Applicants respectfully traverse as follows.

Both amended claims 5 and 11 require the presence of feature (C)- a combination of corresponding source-gas jetting orifice (10A) and at least two of the first supporting-gas jetting orifices (10D), which form a jetting orifice unit (10A, D "cluster")- and feature (D)- each of the second supporting-gas jetting orifices (10C) arranged between adjacent two of the jetting orifice units (10A, 10D "cluster"). See figures 6 and 7.

Due to features (C) and (D), the source gas, which has been discharged downward from the source-gas jetting orifice, is surrounded by the first supporting gas, which has also been discharged downward from the first supporting gas jetting orifices. A gas barrier is formed. Thus, when the source gas is activated and decomposed, deposition of an unwanted adhesion film on the gas jetting surface can be avoided. See paragraph [0024] of the specification.

Fujikawa et al. has been reviewed. There is no comparable structure. Figure 13 is not equivalent to Applicants' Figure 6. Figure 13 does not show an orifice grouping (unit) in the form of a cross, spatially separated in an X and Y direction by a single supporting-gas jetting orifice (10C) from an adjacent unit.¹

Since Fujikawa et al. does not teach each and every element required by the claims, as amended, there is no anticipation. Withdrawal of the rejection is respectfully requested.

In the Office Action, claims 1, 3-9, 11 and 12 were rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103 (a) as obvious over Fujikawa et al. (US 5,595,606). Applicants respectfully traverse.

Claims 6 and 12 have been cancelled rendering their rejection moot.

The amendments to Claims 1 and 9 were discussed at the telephonic interview, above. It was agreed that Fujikawa et al. did not teach a first supporting-gas orifice having a ring shape (10A). See Applicants' Figures 2 and 3. Fujikawa et al also do not teach the placement of an element like 10A with in a ring of first supporting-gas jetting orifices (10C). Accordingly there is no anticipation of claims 1, 3/1, 4/3/1 and 9.

The anticipation of claims 5 (7/5, 8/7) and 11 are discussed above. The dependent claims are not anticipated for the same reasons.

As to reliance on obviousness, the concept upon which Applicants structure is based is not taught or suggested by Fujikawa et al. There is no suggestion of a need for a supporting gas barrier surrounding a source-gas orifice. There is no teaching of orifice units or ring-shaped orifices like that claimed which could accomplish that function.

A prima facie case of obviousness has not been established as to the claims as amended. Withdrawal of the rejection is respectfully requested.

Applicants thus further respectfully submit that the application as a whole stands in condition for allowance and Applicants look forward to favorable reconsideration in due course.

¹ In Fujikawa et al., the passage portions (52c) for the raw gas and the passage portions (54c) for the reduction gas are alternately arranged in both of X and Y direction which are perpendicular to each other, so as to form a metric format. A combination of passage portion (52c) and the passage portion (54c) does not form a jetting unit. Accordingly, the raw gas, which has been discharged downward from the pass portions (52c), would not be surrounded by the reduction gas, which has denn discharged downward from the passage portions (54c).


CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Therefore, it is respectfully requested that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Official action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefor are hereby authorized to be charged to **Deposit Account No. 02-4300, Attorney Docket No. 033082M313.**

Respectfully submitted,

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